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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

CAMERON JOSEPH JONES et al.,

Defendants and Appellants.

2d Crim. No. B276561
(Super. Ct. No. 1481723)
(Santa Barbara County)

Two men in their 20's, appellants Cameron Joseph Jones and Humberto Javier Carranza, lured a high school student to have sex with them, knowing she was 16. Thereafter, they "groomed" her and arranged to sell her sexual services on the internet. The enterprise ended when a "Good Samaritan" saw a "Missing Person" posting by the minor's family and alerted them to the minor's whereabouts. Appellants painted themselves as pawns used by the minor to satisfy her need for attention, but the jury was not swayed by the "blame the victim" approach.

Appellants were convicted of human trafficking and pimping a minor, two counts of oral copulation of a person under 18, and unlawful sexual intercourse. (Pen. Code, §§ 236.1, subd.

(c)(1), 266h, subd. (b)(1), 288a, subd. (b)(1), 261.5, subd. (c).) Carranza was convicted of pandering by procuring. (*Id.*, § 266i, subd. (a)(1).) They were sentenced to a prison term of nine years four months.

Appellants contend that the trial court improperly allowed expert testimony about the behavior of pimps who groom minors for prostitution, and the corresponding behavior of minors who are being groomed. We conclude that this is the proper subject of expert testimony, as it is outside the common experience of lay persons, and assisted jurors to understand the minor's testimony about her interactions with appellants, her repeated expressions of "love" for them, and her efforts to blame herself and to exonerate appellants. We also conclude that the trial court had no sua sponte duty to instruct the jury on the lesser offense of contributing to the delinquency of a minor and that the convictions are amply supported by the evidence. We affirm.

FACTS

While driving with her mother in October 2015, K.L. looked "flirtatiously" at Carranza (whom she calls "Alex"), as he passed by her. He followed their car, to see where they lived. K.L. met with Carranza later, when he saw her standing on her street. At the time, K.L. was a 16-year-old ninth grader.

Carranza arranged to meet K.L. at her school in Orcutt. He was unnerved when he saw school police, and promptly left. When Carranza next came to K.L.'s school, he was accompanied by Jones, whom K.L. calls "C.J." K.L. orally copulated Carranza in the front seat of Carranza's car while Jones sat behind them.

On October 15, K.L. made plans to meet Carranza at the baseball field dugout. Instead, Jones arrived. When K.L. asked where "Alex" was, Jones offered excuses. K.L. orally copulated

and had intercourse with Jones; she did not want to do so, but Jones was “very pushy” and she felt scared and threatened by him. Afterward, Carranza picked up Jones from K.L.’s school, and the two men departed.

Carranza texted K.L., “how was ur adventure today,” referring to her sexual encounter with Jones. She replied, “I was kinda shy and scared at first but it was pretty bomb after I got over my fears.”¹ K.L. did not want to admit to Carranza that Jones scared her.

On October 18, Carranza asked K.L. if she wanted to have a “threesome” with Jones. He wrote that K.L. should “come and make money”; he promised to find paying clients and advised K.L. that “You got to be free at all hours.”

K.L. testified that she spoke to Carranza about “working with him,” which she defined as “pimping.” He promised to “treat [her] right.” To please Carranza, K.L. agreed to his proposal.² He wrote, “u gunna be my number one.” She thanked him and asked if she could start the next day. Carranza made K.L. “feel special” because he respected and cared about her.

Carranza asked K.L. to purchase condoms and practice safe sex. He assured her that she is “hot” and would attract clients. The compliment pleased K.L. She explained, “back then I had insecurities, so I looked for guys to fill that hole and that need, and when he said that, it felt good at the time, and . . . I felt . . . pretty.” At some point, K.L. told Carranza that she was 16.

¹ The text messages were projected on a screen at trial. We quote verbatim the messages that the jury viewed.

² When she met Carranza, K.L. claimed to be working for a pimp named “Abel.” She did not get any money from Abel. When asked at trial what she received as payment for prostituting herself, K.L. replied, “Love.”

K.L. texted Carranza on October 22, asking if he would post photos of her. Carranza replied that he would post “somewhere people hit up girls to fuck.” He wrote that he needed to figure out how things would work, “business wise,” and told her he had five men lined up at \$200 per session. He added, “That’s 1,000 in Ur pocket, and, if u want to shoot me anything, how much would be good for u?” K.L. told Carranza that she “would split it with him 50/50,” writing, “However you want to split it, boss.”

Carranza replied that K.L. was “a good girl” and promised to get higher prices from “people who are desperate and have money.” He suggested that they would get rich fast, and he was going to find men who would pay \$1,000 per session, when she was a little bit older. K.L. testified that Carranza’s words made her feel good “[b]ecause he was being nice.” Carranza asked K.L. to “trust me,” and she replied, “I trust u boss.”

K.L. and Carranza met on October 25, at her church. They went to a house where Carranza filmed them having intercourse and oral sex. K.L. described herself as “really drunk.” She “freaked out” when she received text messages from church members, asking where she was. K.L. was scared to return to her family and disabled her cell phone to prevent tracking.

After their night together, Carranza complimented K.L. and told her that she is a good person who deserved more. K.L. felt that he cared about her. They went to a store, where K.L. stole some make-up, then to Jones’s apartment. K.L. had sex with Jones and gave him “a blow job.” She did not want to have sex with Jones because she found him “gross,” but he was aggressive and she was scared.

Jones posted K.L. on Craigslist. K.L. did not post herself: she does not know how and did not have access to the listing that

Jones created. To K.L., Jones “seemed like the boss, . . . he seemed like he knew the game.”

Jones listed K.L.’s age as 18 and advised her how to act when men called in response to the listing. He told her to say that she was 20, and gave her questions to ask, such as how much the men were willing to pay, and if they were law enforcement officers. He instructed K.L. not to kiss her clients “because . . . you don’t want to catch anything.” They purchased condoms for K.L. to use with her clients.

Jones told K.L. to yell the word “magic” if she needed help while servicing a client, to summon appellants to “kick the guy’s ass.” K.L. testified that this showed Jones “cared about me.” Jones told K.L. that she would get customers by being “sexy.” Carranza agreed with Jones’s recommendations.

On October 27, K.L. went to Motel 6 with appellants to “fuck for bucks,” in her words. None of them had money, so Carranza sold an electronic device to pay for the room. His phone was ringing with responses to the ad offering K.L.’s services. K.L. spoke to the callers, unless they were Spanish speakers, in which case Carranza took the call. Men arrived and K.L. took money for sex up front, as Jones instructed. They paid only \$100 each. Carranza secreted himself out of sight from the clientele. K.L. had sex with five customers in succession.

At the end of the day, K.L. told Carranza “I did everything right”—she did not kiss the clients, she used condoms, she collected the money and she was not hurt. K.L. gave Carranza all the money she collected, which “wasn’t much,” plus the marijuana that one client used for payment. Appellants bought food for themselves and K.L. She was happy because Carranza texted his appreciation and wrote “ima show u love watch.”

On October 28, K.L. and appellants hung out at Motel 6, trying to get customers for K.L., without success. Later that day, Carranza purchased a policewoman costume for K.L.; Jones posted photos of her wearing it, to entice customers. That night, appellants used cocaine and K.L. tried it for the first time. She did not want to use drugs, but appellants told her that “women do it all the time” and K.L. wanted to fit in.

K.L. was “being a baby” and “acting like a wuss,” in her estimation. She was afraid of Jones, who said that he would like to slap her. K.L. was scared to go home and Jones taunted her about “going back to your mommy.” She does not know if Jones received money from her prostitution; she gave all the money she collected to Carranza and never saw any of it again. She testified that Carranza “deserve[d] all the money” because it made him happy and he treated her well.

K.L. and Carranza spent another night at Motel 6. While on the run, K.L. had sex with Carranza every day. There were no more clients for K.L. and she and Carranza ran out of money.

K.L.’s mother and sister testified that on October 25, 2015, K.L. attended church, but disappeared during Sunday school. They searched the church property, at friends’ homes, and around the neighborhood, then made a police report and created missing person posters. Someone responded to the family’s requests for help and alerted them to K.L.’s Craigslist posting and her location at Motel 6. The family notified police.

DISCUSSION

1. Expert Testimony Was Properly Admitted

K.L. was a reluctant witness. She stated, “I don’t want to be here. I don’t want [appellants] in trouble. I love them, and they didn’t do anything wrong, and . . . they’re innocent.” She

opined that the prosecution was “all my fault” because “I’ve put . . . these innocent guys in trouble, and they don’t deserve to be in this place.” She added, “All they were trying to do was the best for me” and “they’re really good people.” K.L. felt that she betrayed appellants by “snitching” and “throwing them under the bus.” K.L.’s hope that Carranza “cared and loved me . . . meant a lot to me.” She reiterated, on cross-examination, “I loved these two guys, and, like, they loved me.” She does not want “to get them mad at me.” Jones told her “that he loved me and that he wanted a relationship with me” and sent her a text expressing his desire for her company. Appellants wanted to move to Santa Barbara, where they could make more money with K.L. than in Santa Maria.

After Carranza was arrested, he did not telephone, text, or visit K.L. K.L. testified that she still feels “love” for Carranza, describing herself as “vulnerable to men” and stating that “I want the attention, I want the love from them.” She knew that Carranza has a wife and children. Carranza texted her, “I want u to cuddle with daddy today” on her first day of prostituting for him. When K.L. met appellants, she was depressed, suicidal and cutting herself.

The jury heard testimony from Andre Dawson, a 33-year veteran of the Los Angeles Police Department Human Trafficking Unit who investigated hundreds of pandering/pimping/human trafficking cases, particularly as to children, and who trains officers throughout the state in this field. From interviewing hundreds of youngsters, Dawson learned that a pimp develops a relationship with a child because they “sell them a dream” of a better life, taking advantage of children who are vulnerable and

lack self-confidence. A child may refer to the pimp as “daddy” as a term of endearment.

During the grooming process, Dawson explained, the child will fall in love with the pimp and think that they are going to be boyfriend/girlfriend, even if there is a significant age difference. After a brief “honeymoon,” the pimp will want the child “to do something for [him]” and the child will want to prove her loyalty and dedication by performing sex acts. A “Romeo pimp” will flatter the child, whereas a “gorilla pimp” will use force, threats and violence to secure the child’s compliance. The child may relinquish all the money made from prostitution in the belief that the pimp deserves it, and express loyalty to the pimp during a criminal prosecution, owing to the child’s emotional attachment. Dawson noted that “children don’t just consciously make the effort to prostitute themselves.”

A qualified expert may testify on a subject beyond common experience if it would assist the jury. (Evid. Code, § 801.) The trial court has broad discretion to determine whether expert testimony is reliable, relevant and admissible. (*People v. Brown* (2014) 59 Cal.4th 86, 99-101.) The expert may not express an opinion on a defendant’s guilt. (*Id.* at p. 101; *People v. Vang* (2011) 52 Cal.4th 1038, 1048.) Appellants objected that there was no need for expert testimony in this case.

K.L. told the jury that she “love[s]” appellants, whom she repeatedly tried to exonerate. To a layperson, K.L.’s warm feelings for appellants could seem inexplicable. Appellants were strangers to K.L. They had her engage unwillingly in unprotected sex acts with Jones, sold her body to other strangers, and took all the money she collected. In common experience, this does not sound like a recipe for devotion, and needed further

explanation. “‘The law does not disfavor the admission of expert testimony that makes comprehensible and logical that which is otherwise inexplicable and incredible.’ [Citation.]” (*People v. Gonzalez* (2006) 38 Cal.4th 932, 947.)

Police expert Dawson shed light on K.L.’s seemingly inexplicable testimony. He explained that children are groomed for prostitution by older men who exploit childish vulnerability by playing upon their need for attention and flattery (the Romeo pimp), or by fear (the gorilla pimp). In this instance, K.L. was depressed, suicidal and cutting herself. She even described herself as “vulnerable.”

The jury could use Dawson’s testimony about child trafficking to draw its own conclusion that Carranza was a Romeo pimp who made K.L. feel pretty by telling her that she is “hot,” played at being her boyfriend, called himself K.L.’s “daddy,” promised to make K.L. his “number one,” and asked for her trust. Carranza’s flattery and attention made K.L. feel cared for, respected and special. To please Carranza, K.L. had sex with Jones and did not tell Carranza that she found Jones “gross.” The jury could draw its own conclusion that Jones was a gorilla pimp who scared K.L. by being pushy, aggressive, threatening to slap her, and ignoring signals that she did not wish to have sex with him. Appellants promised to move K.L. to Santa Barbara, selling her a dream of a better life there.

Dawson’s testimony related generally to the behavior or style of pimps who specialize in children, without specifically commenting on appellants’ guilt, and without characterizing either man as a Romeo or a “gorilla.” (*People v. Leonard* (2014) 228 Cal.App.4th 465, 492-494.) Dawson observed that exploited children often continue to show loyalty to their pimp during trial,

owing to the child's emotional attachment. His observations came from interviewing hundreds of exploited children. Dawson did not speak to K.L. or hear her testimony. The trial court did not abuse its discretion by admitting expert testimony because Dawson gave useful insights into the general behavior of men who exploit children, but did not comment on appellants' guilt or the specific evidence presented in this prosecution.

2. The Jury Was Properly Instructed

The trial court must instruct sua sponte on a lesser offense if substantial evidence indicates that the defendant is guilty only of that offense. (*People v. Manriquez* (2005) 37 Cal.4th 547, 584.) “[T]he obligation to instruct on a lesser included offense does not arise when there is no evidence that the offense was less than that charged.” (*People v. Wyatt* (2012) 55 Cal.4th 694, 702-703.) The existence of “any evidence, no matter how weak,” does not justify lesser included offense instructions, “but such instructions are required whenever evidence that the defendant is guilty only of the lesser offense is ‘substantial enough to merit consideration’ by the jury[.]” (*Id.* at p. 698.) We review de novo whether a lesser included offense instruction should have been given. (*Manriquez*, at p. 584.)

Appellants contend that the jury should have been instructed, sua sponte, with the crime of contributing to the delinquency of a minor. (Pen. Code, § 272.)³ They reason that K.L. became subject to dependency jurisdiction because she was

³ The statute states that a misdemeanor is committed if the defendant causes or encourages a minor to come within the provisions of Welfare and Institutions Code sections 300, 601 or 602.

sexually trafficked and her parent “failed to, or was unable to protect the child[.]” (Welf. & Inst. Code, § 300, subd. (b)(2).)⁴

Appellants cite no evidence in the record—nor did they argue to the jury—that K.L. was declared a dependent of the juvenile court. They seem to argue that she *could* have become one, but point to no evidence that K.L. was “victimized by parental abuse or neglect.” (*In re R.T.* (2017) 3 Cal.5th 622, 625.)

The trial court had no sua sponte duty to instruct the jury on a theory of contributing to the delinquency of a minor. There were no facts before the jury to support a finding that K.L. became a dependent under Welfare and Institutions Code section 300. The crimes that appellants were charged with do not include the element of causing the minor to become the subject of a juvenile court proceeding.

There is no evidence that the offense is less than that charged. The testimony shows that appellants caused K.L. to engage in commercial sex acts, received the proceeds from prostituting K.L., and the jury could infer that appellants used their illegal gains to purchase cocaine, food and a motel room.

3. The Evidence Supports Jones’s Convictions

Jones challenges the sufficiency of the evidence underlying his convictions for human trafficking and pimping a minor. He contends that no evidence was presented to the jury that he caused, induced, or persuaded K.L. to engage in commercial sex (Pen. Code, § 236.1) or that he received the earnings or proceeds from K.L.’s prostitution (*id.*, § 266h). After reviewing the record in the light most favorable to the judgment, we conclude that the evidence amply supports the convictions.

⁴ Appellants rely on juvenile dependency law, not on delinquency laws in the Welfare and Institutions Code.

The convictions were based on K.L.'s testimony, which was corroborated by text messages. The jury assessed K.L.'s credibility and found her testimony believable. By contrast, Jones was shown to be a liar: in a recorded police interview, he denied ever meeting, texting or speaking to K.L., but his cell phone provider registered 869 telephone contacts between Jones and K.L. during their brief association.

Carranza was K.L.'s initial contact, but Jones soon entered the picture; he sat in the back of the car during K.L.'s first sexual act with Carranza. The jury could reasonably deduce that Jones went to K.L.'s school on October 15—when K.L. planned to hook up with Carranza—to test K.L.'s willingness to have sex with a stranger whom she found threatening and “gross.” After K.L. demonstrated tractability by succumbing to Jones's sexual advances, prostitution was proposed. The jury could reasonably infer that Carranza and Jones worked in tandem.

Carranza proposed that K.L. work with him, which K.L. defined at trial as “pimping.” They negotiated a price for K.L.'s services and a pimping fee. Jones posted listings for K.L. on Craigslist stating that she was older than her actual age of 16. Jones instructed K.L. to tell men calling in response to the listing that she was 20 (old enough to consent), and he gave her other questions to ask, such as how much the men were willing to pay and if they were police officers. He advised her to act “sexy”; to collect payment before having sex; to avoid kissing clients; and to use condoms, so that she would not “catch anything.” Jones devised the secret word K.L. could use to summon appellants, if she felt that she needed help while servicing a customer. Jones was present when Carranza rented a room at Motel 6 where K.L. would engage in prostitution.

In K.L.’s view, Jones “seemed like the boss” and “knew the game” as an experienced pimp, unlike Carranza. Without Jones’s instrumental collaboration in creating internet listings and instructing K.L. how to negotiate with prospective clients, it is unlikely that Carranza’s plan to prostitute K.L. would have come to fruition. The jury could reasonably find that Jones caused K.L. to engage in commercial sex, or aided and abetted Carranza in prostituting K.L. (Pen. Code, § 236.1.)

Carranza sold personal property to pay for a motel room because appellants did not have any money. After a room was secured, K.L. gave Carranza all the money she collected from customers for acts of prostitution. The jury could deduce that appellants—two broke men—used the money they received from prostituting K.L. to purchase cocaine, food and room rent for themselves and K.L. (See *People v. Navarro* (1922) 60 Cal.App. 180, 182 [crime is proved by defendant’s use of the proceeds from prostitution to pay for food and room rent for himself and the prosecutrix].) The money was all spent by the time the police arrived. Substantial evidence supports Jones’s conviction for receiving compensation from soliciting the prostitution of a minor; alternatively, he is guilty of aiding and abetting Carranza in soliciting for K.L. even if he did not intend to receive compensation himself. (Pen. Code, § 266h; *People v. McNulty* (1988) 202 Cal.App.3d 624, 631.)⁵

⁵ The jury was instructed that pimping is proved if (1) defendants knew K.L. was a prostitute; (2) the money she earned supported defendants in whole or in part; or (3) defendants “asked for payment or received payment for soliciting prostitution customers for K.L.”; and (4) K.L. was 16 when she engaged in prostitution.

DISPOSITION

The judgments are affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

YEGAN, Acting P. J.

TANGEMAN, J.

John F. McGregor, Judge
Superior Court County of Santa Barbara

Tracy J. Dressner, under appointment by the Court of Appeal, for Defendant and Appellant Cameron Joseph Jones.

Vanessa Place, under appointment by the Court of Appeal, for Defendant and Appellant Humberto Javier Carranza.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Mary Sanchez and Heather B. Arambarri, Deputy Attorneys General, for Plaintiff and Respondent.